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PATRICK E. JOSEY, CLERK

BY \_\_\_\_\_

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

<p>Gail Rutherford, natural mother, and Guardian for and on behalf of Alyssa Little, a minor child.</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE UNITED STATES OF AMERICA, through Indian Health Services, and John or Jane Does, as yet unidentified individuals.</p> <p style="text-align: center;">Defendants.</p>	<p>Cause No.: 4:08-CV-044-SEH-RKS</p> <p style="text-align: center;"><b>ORDER</b></p>
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Upon consideration of Plaintiff's motion, without objection by Defendant, the Court hereby takes judicial notice of the Order entered by the State District Court in Conservatorship No. DG-07-03.

The Court enters the following findings based upon the District Court Conservatorship Order:

1. The Court finds, as did the State District Court, it is in the best interests of the minor child, Alyssa Little, age 17, to accept the total sum of \$89,000.00 in settlement of claims against the above-named Defendant.

2. The Court finds Gail Rutherford was approved as the Conservator for Alyssa Little and the State District Court has required an accounting of the proceeds beginning December 13, 2010, with supplemental accountings as required by Local District Court Rule.

3. The proposed settlement and pay out configuration for the settlement proceeds is fair and appropriate, the Court notes the Conservator is represented by independent counsel, John E. Seidlitz, Jr., in connection with the decision to accept the proposed settlement on behalf of the minor child.

4. The Court further finds that attorney fees in the amount of \$22,250.00 are fair, reasonable and consistent with applicable federal law governing federal tort claims.

5. The Court further finds that litigation costs in the amount of \$9,329.56 are fair, reasonable and consistent with applicable federal law governing federal tort claims.

ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion of Plaintiff for Court Approval of Minor Settlement, payment of Attorney Fees and Costs is granted.

2. The Court approves the executed compromised agreement and release attached to the Motion to Dismiss.

3. The Court approves the dismissal with prejudice against the above Defendant, specifically noting reservation of rights against other possibly liable parties.

DATED this 17<sup>th</sup> day of February, 2010.

  
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U.S. District Court Judge